No. 24-5971

IN THE

SUPREME COURT OF THE UNITED STATES

MARITZA ORTIZ- PETITIONER

v.

MAITE ORONOZ RODRÍGUEZ, GINA MÉNDEZ MIRÓ, COMMONWEALTH OF PUERTO RICO, et al - RESPONDENT(S)

On Petition for a Writ of Certiorari
To the Puerto Rico Supreme Court

BRIEF FOR PETITIONER IN SUPPORT FOR PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The question presented is whether, under this specific circumstance[1], and under this Supreme Court of the United States' precedents, interpreting the Free Speech Clause of the First Amendment, the Commonwealth of Puerto Rico's underdeveloped and vague ethics' rules, are subject to strict scrutiny.

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[1]In this case, the Petitioner's private speech was attacked, while petitioning redress, on behalf of one of Ortiz's own kids, of minor age.

LIST OF PARTIES

PETITIONER

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[2]This Petition for Writ of Certiorari is being filed against Hon. Chief Judge Oronoz-Rodríguez, both in her official, as well as in her personal capacity which includes the communal marital property she shares with her wife, Hon. Judge Gina Méndez Miró.

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I. OPINION AND ORDER BELOW

A. The **March 1st, 2024**'s emailed judgment where the P.R. Supreme Court used Rule 9(ñ), to summarily expel Petitioner, on an implicitly permanent basis. This ruling was personally picked up or served on **March 6, 2024**[3], and is not yet published in Decisiones de Puerto Rico (Appendix A).

II. JURISDICTION

A. The judgment of the P.R. Supreme Court was publically disseminated on **March 1st, 2024.** On **April 9, 2024**, the Puerto Rico Supreme Court issued one Resolution (Appendix B) denying Petitioner's request for reconsideration (Appendix C). This Petition is timely filed within 90 days from that denial. The jurisdiction of this Court rests on 28 U.S.C. § 1258.

III. STATUTORY PROVISIONS INVOLVED

A. The First Amendment to the United States Constitution states that "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" U. S. Const. Amend. 1.

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[3] In Re Maritza Ortiz, 2024 T.S.P.R. 17, 213 D.P.R. ___ (2024).

B. Petitioner Ortiz was originally accused, by the judiciary, for an apparent Canon 9's violation, as described within the **1970**'s Code of Professional Ethic for attorneys, in Puerto Rico:

"...*Canon 9.—Conduct of the Lawyer Toward the Courts.*

1) The lawyer should maintain toward the courts a conduct characterized by the utmost respect.

2) This includes the obligation to discourage and avoid unjustified attacks or unlawful attempts against judges or against the proper order in the administration of justice in the courts.

3) In cases where such attacks or attempts occur, the lawyer should intervene in order to try to reestablish order and the proper functioning of the judicial proceedings.

*4) The duty of proper respect toward the courts includes also the obligation to take '**measures at law**' against judicial officers who abuse their prerogatives or who perform their duties improperly, and who do not observe a courteous and respectful attitude . . . ,"* Canon 9, Code of Professional Ethic, Title 4, Appendix IX (**1970**).[4]

C. As of **July 14, 2023**, the application of P.R. Supreme Court's rules governing Canon 9, changed. In Re: Aprobación de Enmiendas al Reglamento del Tribunal Supremo, 2023 T.S.P.R. 74, seriously impacted Rule 14 and Rule 15:

". . . *Rule 14. Complaints and disciplinary procedures against lawyers, notaries, [illegible] - (a) This rule establishes the disciplinary procedure applicable to male lawyers, female lawyers, and notaries. (b) Any written complaint under oath that the court or any of its judges receive regarding the behavior of a lawyer, a notary . . . will be duly noted by the Secretary in the corresponding special record that will lead to those effects. No entry will be recorded or made regarding a complaint*

[4]https://poderjudicial.pr/Documentos/Leyes-Reglamentos/English/Canons-of-Professional-Ethics-as-amended.pdf

without swearing or lacking sufficient specification of the facts on which it is based . . . ," Rule 14, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**).[5]

"*...Rule 15. Mental Incapacity of Attorneys. (a) Mental incapacity, defined as a mental or emotional condition of such nature that renders an attorney unfit to represent his or her clients competently and adequately, or that precludes him or her from maintaining the standard of professional conduct required from every attorney, will constitute grounds for the indefinite suspension of the incapacitated attorney. (b) When an attorney is declared incompetent by a court or is committed to a mental institution because of proved incapacity, the Court will suspend him or her from the practice of law for as long as the illness persists. (c) When in the course of a Rule 14 disciplinary proceeding there are doubts about the mental capacity of the respondent attorney, the Court, on its own motion or on motion of the Solicitor General or of the complainant, will appoint a Special Rules of the Supreme Court of Puerto Rico Commissioner—if none has already been appointed— to receive evidence on the attorney's mental incapacity, as such term is defined in paragraph (a) of this rule...The panel of psychiatrists will be selected as follows: one will be appointed by the Commissioner, another by the Solicitor General of Puerto Rico, and the third one by the respondent attorney. The appointments must be made within a period of ten (10) days after the date of service of the Court ruling ordering this proceeding... Together with the report, the Commissioner will submit all the documentary and material evidence presented, including the psychiatrists' reports. Evidence presented but not admitted must be clearly identified as such, and the Commissioner must indicate why it was not admitted. . . In that case, objections to said reports may be made within ten (10) days following the date on which they are submitted to the Commissioner. . . (e) If during the paragraph (c) proceedings the respondent attorney refuses to submit to a medical examination by the designated psychiatrists, such refusal will be ... considered prima facie*

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[5]As of **October 2023**, the Supreme Court of Puerto Rico, then amended Rule 14, which now reads, in its pertinent part, as: "*...Rule 14. Complaints and Disciplinary Proceedings Against Attorneys and Notaries (a) This rule establishes the disciplinary proceedings applicable to attorneys and notaries. (b) Any written and verified complaint received by the Court or by any of the Justices of the Court regarding the behavior of an attorney or a notary will be duly entered by the Clerk in the corresponding special record kept to such ends. Unverified complaints or complaints lacking a sufficient specification of the facts on which they are grounded may not be recorded or entered...*", Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**). See that the words "*under oath*" were deleted through a ruling codified as 184 D.P.R. 677(**October 2023**).

evidence of his or her mental incapacity, and his or her suspension from the practice of law may be decreed as a preventive measure... If after the Commissioner's report the Court determines that respondent is not mentally incapacitated, as such term is defined in paragraph (a) of this rule, the original complaint proceedings must continue, and the respondent will be required to pay the costs involved in the psychiatric evaluation. (g) After examining the Commissioner's report in cases under paragraphs (c), (d), and (f) of this rule, the Court will decide in accordance with the law. If the Court finds that respondent is mentally incapacitated, as defined in paragraph (a) of this rule, it will indefinitely suspend the attorney from the practice of law...," Rule 15, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**) or 183 D.P.R. 386 (**November 22, 2011**).

D. The new version of **2023**'s Rule 9 (ñ), of the Rules of the Puerto Rico Supreme Court, deleted the words "*for adjudication on the merits*": "*(ñ) When the lawyers or the parties fail to comply with any provision of these Rules, the Clerk will inform the court, for the appropriate determination...*", 4 L.P.R.A. Ap. XXI-B (**2023**).[6][7][8]

IV. STATEMENT OF THE CASE

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[6] (n) When the attorneys or the parties fail to comply with any of the provisions of these Rules, the Clerk will inform this fact to the Court for the appropriate action.
(nn)[*] The Clerk must notify the parties of the date the cases are submitted to the Supreme Court for adjudication on the merits.
(o) The Clerk will keep a record of all attorneys who render professional services through a limited responsibility partnership pursuant to Law No. 154 of 1996, known as the "Limited Liability Partnerships Act," 10 LPRA § 1861 *et seq.* In this record, the Clerk will enter the name of the partnership, the address and telephone number of the partnership's main office, and the partners' names, addresses and telephone numbers. The Clerk will also certify that the partnership

[*] Translator's note: The letter "ñ" used in the Spanish version of these Rules has been replaced here with "nn."

[7] https:/dts.poderjudicial.pr/ts/2023/ 2023tspr74.pdf

[8] https://drive.google.com/file/d/1tDSfce8h_GeH0zjZYPez9_M9gHJ3I2AT/view?usp=sharing

A. As of the date this Petition is filed in Washington, D.C., **NOT ONE** client who hired Ortiz, has **EVER** filed an ethics' complaint, against the Petitioner.

B. In spite of this, Petitioner Maritza Ortiz has been brutally abused by the Supreme Court of Puerto Rico since **2011**. At that time, Petitioner Ortiz was unaware of the fact that the judiciary in Puerto Rico, was already purposely silencing, and concealing sexual related crimes (that no State government branch intended to solve).

C. Since then, all of this modern age lynching, belongs to a decades-long repertoire of judicial reprisals. **On each instance, the P.R. Supreme Court hid the true nature of its restrictions, while attacking our private speech**. This is not a coincidence, as if attorneys had no private lives, or were exempt from witnessing crimes, from a front row seat. Within the Petitioner's very first year of practicing law, that old private speech recycled referral, has been abused, as if no one cared to protect attorneys, from successive prosecutions for a single offense, over and over again. Ever since, such bad faith will never again hide that all along, that same old referral was initiated solely, by the State judiciary. Back then, it was: 1)consulted, 2)drafted, 3)filed and 4)decided, while that exact office was in the middle of trashing one of the above referenced kids' legal recourses, within the **P.R. Supreme Court's own and Honorable Justice Miriam Pabón Charneco**'s office too! It got camouflaged, with all sort of unannounced surprises, not ever raised by any

sworn statement, nor at any evidentiary hearing, just as it has been repeated with this expulsion. It is not a mere coincidence that without standing, **State Judge Leilani Torres Roca**'s sister judge, **State Judge Yahaida Zavala-Galarza,** did practically repeat another unethical referral, within six months, from the moment the case at hand was filed too.

D. As a result, we were forced to play another guessing game, of waiting to get a ruling, responding to **August 17, 2023**'s motion (Appendix D). At that time, and ever since, Petitioner kept on asking, over and over again, for any of the nine(9) duly sworn P.R. Supreme Court justices, to impose limitations, to the disclosure of the Petitioner's Veterans Administration medical chart. Petitioner Ortiz ended up being expelled, while still waiting for the written ruling. No "*on*", nor "*off the record*", good faith written response to our **August 17, 2023**'s motion exists, nor was it ever properly notified before our hearing, ever, if at all. Instead, the implicated judicial officers reimposed this never-ending guessing game.

V. ARGUMENT

A. INTRODUCTION

1. BACKGROUND

a. This case arises against the backdrop of rampant domestic and gender-based violence in Puerto Rico, which includes sexual-

related crimes. A **2012** report by the American Civil Liberties Union found that "*Puerto Rico has the highest per capita rate in the world of women over 14, killed by their partners.*" The report also found that "*107 women were killed by their intimate partners*" from **2007** to **2011**.

b. A **2019** joint report by Proyecto Matria, a non-profit organization that provides interdisciplinary services to survivors of gender violence, and Kilómetro 0, a local, non-governmental police watchdog, showed that the problem continues. While stressing a high probability of under reporting, due to lack of transparency and access to information concerns, the report still confirmed that, from **2014** to **2018**, at least 75 women were killed by their intimate partners.

c. The Government of Puerto Rico has promised action on the matter, declaring a State of emergency as a result of the rise in cases of gender-based violence in January of **2021**. However, no one can correct what you purposely choose not to report, nor measure. The Observatorio de Equidad de Género de Puerto Rico, a joint project created by a coalition of human rights and feminist organizations in Puerto Rico, and tasked with monitoring and analyzing the situation of gender violence in

Puerto Rico (among others), has documented that fifty-five percent of all female homicides are committed by intimate partners. Although the Puerto Rico Police does not collect this data, at least eleven (11) women were killed, by their intimate partners, in **2021**. No one knows how many women have been physically assassinated by their intimate partners, nor by their own, vicariously liable, governing institutions, so far in **2024**. The Petitioner is the mother of one sex-related crime victim.

2. PROCEDURAL HISTORY

"*...The inclusion of a psychiatric exam as a personnel action may appear odd and reflects the history of whistle blower retaliation. Historically, one method used to deflect attention from a potential whistle-blower's charges was to attack the credibility of the potential whistle blower and make the situation about the person doing the reporting, rather than the original wrongdoing being reported. Requiring the potential whistle blower to submit to a psychiatric examination is therefore a particularly suspect activity*.", United States Merit System Protection Board Defines Whistle Blower Retaliation, https://www.fedweek.com/issue-briefs/mspb-defines-whistleblower-retaliation/ (**March 9, 2011**).

B. On **August 8th, 2012**, federal defendant Raúl López Menéndez, purposely deviated from the standard of care owed to Petitioner Ortiz's then five(5) year-old survivor of a sexual crime. He portrayed he evaluated the Petitioner, instead of the minor child of tender years.

C. On **August 30th, 2021**, Petitioner Ortiz filed a damages lawsuit in federal court (Ortiz v. Sigfrido Steidel, et al, **21-cv-01433-MAJ**) against the person who purposely re-hires López Menéndez, over and over again: **Administrative State Judge Sigfrido Steidel**. He is known as the Respondent's right-hand administrator (or as "*O.A.T.*'s" administrator), for the Commonwealth's entire State judiciary[9], etc..

D. On **June 23, 2022**, Petitioner filed her first Notice of Appeal, in the U.S. Court of Appeals, for the First Circuit in Boston (Ortiz v. Steidel, et al, 22-cv-1492) (out of two notices of appeals) .

E. On **August 11, 2022**, domestic violence perpetrator Arnaldo Bello-Acevedo (one of the above referenced kids' biological father), petitioned an ex-parte protection order. It was immediately granted, against one of his very own domestic violence survivors: Petitioner Ortiz (Bello v. Ortiz, OPA2022-26497).

F. Municipal **State Judge Glenn Velázquez Morales** immediately ordered for police patrol cars to park, intersecting the front entrance of the Petitioner's home, to serve an incomplete and un-executed protection order. **Velázquez**

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[9]No adequate remedy can ever be obtained in the Commonwealth Courts because all of Ortiz's' petitions for redress (all of them related to one of the above referenced kids), pits the Petitioner squarely against the Administration of the Commonwealth Judiciary ("*O.A.T.*"). Because of "*O.A.T.*"'s overreaching role as **self-supervisor, self-administrator and self-evaluator** of the Commonwealth Judicial System, the courts of Puerto Rico are imbued with a degree of institutional bias that renders them incapable of impartial adjudication.

Morales directed it, in spite of knowing Bello had no standing, and was not present at the time of the alleged and fabricated incident.

G. On **August 15, 2022**, Petitioner filed a damages' lawsuit(in State court), against **Hon. State Judge Glenn Velázquez Morales**, etc. (Ortiz v. Glenn Velázquez Morales, Ana López Prieto, et al, 2022-cv-2623).

H. On **November 17, 2022,** another Chief Judge, this time for the United States Court for the Federal District of Puerto Rico, **Hon. Federal Judge Raúl Arias**, published that some other unknown indigent, battling similar English language barriers, survived another predictable dismissal: "... *appointed Plaintiff three (3) different pro-bono counsel[s] all of whom have withdrawn...and that ...references a jumble of lawsuits and motions...the facts alleged are largely incomprehensible and fail to articulate grounds...dismissed with prejudice...* ," Ríos v. Judge Lizardo Mattei, Department of Justice, et al, 2021-cv-1291.

I. One day later, on **November 18th, 2022**, federal defendant Steidel's alternate deputy director (named **State Judge Maritere Colón Domínguez**), informally denied multiple **2021**'s ethics complaints, filed by the Petitioner, all at once, etc.

J. On **December 14, 2022**, the Appeals' Court dismissed that year's consolidated Petition for Writ of Mandamus filed by Petitioner Ortiz. This one was filed

against another deputy administrative State Judge (Ortiz v. Ladi Buono, et al, KLRX202200015 or KLAN 2022-0891).

K. On **December 23, 2022**, Petitioner Ortiz filed a Reconsideration, right after the State's Appeals Court dismissed the above referenced Petition for Writ of Mandamus.

L. On **January 20th, 2023**, the Supreme Court of P.R. prematurely accepted the unexecuted ethics' referral that brings us here today. The Petitioner has no knowledge of the identity of the specific judicial officer who tailored it. It has the appearance as if its immediate publication, throughout the internet, was executed by an already recused panel at the Puerto Rico Court of Appeals:

"*...the repeated disrespectful statements made by Maritza Ortiz to the Court of First Instance during the appeal process. Referring to this primary forum, as a sample of a judicial process, carried out by Judge Zabala-Galarza...on **July 6, 2022**, attributing... She denounces that the judicial work of judges Cuevas Ramos and Martínez Piovanetti was an intercepted task, using pretexts and inventions. She describes a fellow lawyer as permanently and morally depraved...she describes judicial action as quackery and accuses a judge of suffering from dangerous mental illnesses, or indicating permanent moral depravity. It is reiterated that the Superior Court of San Juan acts with its agents or accomplices when issuing its determinations, accepting only what it wants, with any embellishment that they make believe, and insists on describing the actions of the Superior Court of San Juan as charlatanism. It is enough for us to compare such expressions with the content of Canon 9 of the Code of **PROFESSIONAL** Ethics, 4 L.P.R.A. App. IX (2012), to convince us that the conduct described deserves to be examined by our Supreme Court...*". This **December 14, 2022**'s public ethic's referral appeared to be signed by **Hon. Judge Laura Ortiz Flores,**

Hon. Judge Maritere Brignoni Mártir and **Hon. Judge Carlos Candelaria Rosa.** Ortiz v. Buono, et al, KLRX202200015.[10]

M. On **February 28, 2023**, and against its own never ending hearsay, or unintelligible confidentiality guidelines, the Supreme Court of P.R. published, throughout the internet, that it believed Petitioner Ortiz was not fit to work as an attorney (In Re Ortiz, AB-2022-0272). It was odd to read it was also ordering, for the Petitioner, not to respond, publically.

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[10]Petitioner Ortiz's private speech is different:

"*. . . while it put aside, 'the urgency' Hon. State Judge Anthony Cuevas wrote he was (finally) about to offer us. If that is not a drastic change of course, or exemplifies intercepting, we do not know what other recent example would portray it more accurately. . . F. When we finally managed to spend thirty(30) seconds in the middle of the courtroom's evidentiary hearing, . . .* ***Hon. State Judge Leilani Torres Roca****, the public servant blushed, as if she was enduring her own anxiety and panic attack. I describe this as one related to moral depravity, because right at that moment, she decided to get rid of the entirety of ...'s constitutional right to structured visits, for that other 10th Christmas in a row, and she ripped ...'s right, on an absolute and permanent basis . . . In contrast, we feel scammed again, because no less than seven (7) people inside your building ignored these, as if said arguments were not raised . . . After all, we appear in forma pauperis, with the same rights, as equal and with the same amount of protected constitutional rights, as any other layman, or brutally abused and HURT mother, is supposed to have. . . It is not ethical, nor legal, that anyone else, much less in 2022, adds, and continues to allow for others to add, mere misrepresentations, or additional illegal seizures (searches), which violate the right to privacy of ... against the entire maternal side of her family . . .and against the subscriber. Nor does it have the right to derail, or allow anyone to derail, anything, much less our testimony, within this evidentiary hearing or case. We believe that the above exemplifies 'witness tampering'. . . That other obsolete pattern of suppressing, all other sides of the coins, portrays once again, embellishments very similar to the one that we have been describing, for the entire past decade, with extremely accurate adjectives, just as the ones we learned from the P.R. Supreme Court Justice himself, Hon. Federal Judge Francisco Rebollo. This behavior seems extremely dishonorable to us, and it seems as if, to the total detriment of the majority of our citizens, the bench's own emotional and mental health has never been truly evaluated either...*," Motion for Reconsideration filed against deputy administrative State Judge, **Hon. Judge Ladi Buono**, under Ortiz v. Buono, et al, KLAN 2022-0891 (**December 23, 2022**).

N. On **April 24, 2023, April 25th, 2023, April 27th, 2023, May 1st, 2023,** and on **May 2nd, 2023,** independent expert Dr. Carol Romey, administered or donated an extremely long battery of tests, regarding Ortiz's true profile.

O. On **May 10, 2023** the above referenced federal defendant Raúl López Menéndez "*evaluated*" Ortiz using "*rough guesses*." He never asked for any V.A. medical folders, nor did he ever request, Petitioner's prior written consent.

P. On **May 11, 2024**, federal defendant Cynthia Casanova Pelosi "*evaluated*" Ortiz using "*rough guesses*." She did not obtain, nor request, Petitioner's prior written consent.

Q. On **May 17, 2024**, federal defendant Raúl López Menéndez "*evaluated*" Ortiz using "*rough guesses*." He never asked for any V.A. medical folders, nor did he ever request, Petitioner's prior written consent.

R. On **May 29, 2023**, federal defendant Cynthia Casanova Pelosi "*evaluated*" Ortiz, using "*rough guesses*." She did not obtain, nor request, Petitioner's prior written consent.

S. On **June 1st, 2023**, Dr. Carol Romey donated, signed, notified and filed a truly thorough and ethical assessment, regarding Ortiz's true profile (Appendix E).

T. On **June 13th, 2023**, and **June 14th, 2023**, federal defendants Cynthia Casanova Pelosi and Dor Mari Arroyo Carrero "*evaluated*" Ortiz, using "*rough guesses*." None of these two obtained, nor requested, Petitioner's prior written consent. Federal defendant Carrero Arroyo never asked for any V.A. medical folders either.

U. On **July 14, 2023**, the Supreme Court of Puerto Rico apparently published that it had just amended the above referenced Rule 9(ñ).

V. On **August 17, 2023**, Ortiz's pro-bono lawyer at the time, Atty. Elba Nilsa Villalba Ojeda wrote, for a second time, requesting permission for the nine-panel State justices, at the Supreme Court of P.R., to rule on whether Petitioner Ortiz had to surrender, the totality of Ortiz's vastly impertinent, V.A. medical chart, without specifying reasonable limitations, as imposed by federal Touhy Regulations. See Roger Touhy v. Ragen, 340 U.S. 462 (**1951**).

W. After being repeatedly threatened, with being held in contempt by an untruthful subcontractor, on **September 11, 2023**, Petitioner Ortiz filed a federal damages lawsuit that did not list the State, as named defendant. It was filed against "*double dipped*" private subcontractors, such as **ex-judge Crisanta González Seda**. Ortiz v. González Seda, et al, 23-cv-01463.

X. The Petitioner recorded **September 12, 2023**'s "*contempt hearing*."

Y. On **March 1st, 2024**, Petitioner Ortiz filed an opposition to a Motion to Dismiss, under her federal complaint against **Crisanta González Seda**, Ortiz v. González Seda, et al, 23-cv-01463. Hours later, on that exact day of **March 1st, 2024**, and with another widely disseminated email, the Supreme Court of Puerto Rico, retaliatorily expelled, Petitioner Ortiz, on yet another "*indefinitely*" permanent basis.[11]

VI. REASONS FOR GRANTING THE WRIT

A. The underdeveloped Code of Professional Ethic of Puerto Rico, violates the Constitution of the United States, both in its face, and its application. It is being used as an overly broad gag order that "*freezes*" private speech. In this case, it circumvents: 1)constitutional protections and, 2) well established federal laws, such as Touhy Regulations[12].

B. "*TOUHY*" REGULATIONS[13]

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[11]This Honorable Supreme Court of the United States was already briefed in regards to similar tendencies: "... *a majority of the Puerto Rico Supreme Court imposed a remedy prayed by no one... Petitioner argued that the sua sponte Judgment had deprived all parties an opportunity to be heard ... court's absolute ban on public access to civil and criminal domestic violence proceedings ran afoul of this Court's decisions in Globe Newspaper Co. v. Superior Court, 457 U.S. 596 (1982), and El Vocero of Puerto Rico v. Puerto Rico, 508 U.S. 147 (1993). Finally, Petitioner claimed that the Puerto Rico Supreme Court had misapplied its own precedents on access to judicial proceedings, particularly in Fulana de Tal & Sutana de Cual v. Demandante A, 138 D.P.R. 610 (1995). The same five-justice majority of the court summarily denied both requests...*", Asociación de Periodistas v. Commonwealth of Puerto Rico, No. 21-659 (2021).

[12]See 22 C.F.R. § 172.5 - Procedure ... production of documents is sought.

[13]The federal regulation 45 C.F.R. sec. 164.512 states:

"...*the protected health information for which disclosure is sought is not intended to be*

1. Federal legislation delineated standards for releasing protected health information. In order for the Respondents to get pertinent portions of a Petitioner's medical file, they must first support their "*Touhy Request*" by, among other factors:

   a. Identifying the specific portions of the record that are pertinent to the matter at hand;

   b. Describing the relevance of the desired records to the Petitioner's proceeding, and by providing a copy of the pleadings underlying this request;

   c. Providing the substance of what is expected and by explaining why they believe their "*Touhy Request*" meets the criteria specified by law, etc..

"...(a) The...disclosure of official...records of the V.A. ... VA personnel shall not...produce records without the prior written approval of the responsible VA official ... accompanied by, an affidavit, or if that is not feasible, in, or accompanied by, a written statement by the party seeking ... Where the materials are considered insufficient to make the determination as described ... may ask the requester to provide

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used against the individual and ... A covered entity may disclose protected health information to a health oversight agency for oversight activities authorized by law, including audits; civil, administrative, or criminal investigations; inspections; licensesure or disciplinary actions; ...sufficient information about the litigation or proceeding in which the protected health information is requested to permit the individual to raise an objection to the court or administrative tribunal; and... (2) All objections filed by the individual have been resolved by the court or the administrative tribunal and the disclosures being sought are consistent with such resolution...," Health Insurance Portability and Accountability Act of **1996**, 45 C.F.R. Sec 164.512.

additional information...In addition to complying with the requirements ... protected by the Privacy Act, 5 U.S.C. § 552a, or other confidentiality statutes, such as 38 U.S.C. §§ 5701, ... must satisfy the requirements for disclosure imposed by those statutes, ... before the records may be provided ...," 38 C.F.R. § 14.809...personnel responsible for making the decision should consider the following types of factors:

> *(1) The need to avoid spending the time and money of the United States for private purposes and to conserve the time of VA personnel for conducting their official duties concerning servicing the Nation's veteran population;*
>
> *(2) Whether the demand or request is unduly burdensome ...;*
>
> *(3) Whether the...production of records, including release in camera, is appropriate or necessary ... under the relevant substantive law concerning privilege;*
>
> *(4) Whether the...production of records would violate a statute...as to the content of a record or about information contained in a record would violate a confidentiality statute's prohibition against disclosure, disclosure will not be made. Examples of such statutes are the Privacy Act, 5 U.S.C. § 552a, and sections 5701, 5705 and 7332 of title 38, United States Code;*
>
> (5) *The need to prevent the public's possible misconstruction ...;*
>
> (6) *Whether the demand or request is within the authority of the party making it;*
>
> (7) *Whether the demand or request is sufficiently specific to be answered...,"* 38 C.F.R. § 14.804.

2. All along, the P.R. highest State court has always failed to identify any convincing compelling government interest, when attempting to use

untruthful subcontractors to "*copy paste*" confidential information of that nature.

3. With its **March 1st, 2024**'s ruling, the Puerto Rico Supreme Court misconstrued this disciplinary process. It misapplied its own precedents, by preventively spreading permanent silencing stigma, since it first published its **December 14, 2022**'s and **January 20, 2023**'s intentional emails, throughout the internet. It had the appearance as if it was using libel, to purposely hide the considerable different content, of what was really conveyed by Ortiz, on **December 23, 2022** (related to one of Petitioner Ortiz's own, non adult kids). Please refer to Footnote #10.

4. Sexual abuse is a discriminatory practice against women and the Petitioner happens to be an "*in forma pauperis party*" (who is also a brown injured veteran that remains part, of a historically persecuted and targeted suspect class of female survivors) that speaks out, about sexual grooming, while being wrongly persecuted with institutional patriarchal subordination.

C. NULL AND VOID

1. **RULE 14**

". . . Rule 14. Complaints . . . Any written complaint UNDER OATH ...will be duly noted by the Secretary in the corresponding special record...NO ENTRY WILL BE RECORDED OR MADE REGARDING A COMPLAINT WITHOUT SWEARING...," Rule 14, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**).

a. The Petitioner has no doubt that the Supreme Court of P.R. completely lacked jurisdiction to apply Canon 9, Rule 14, Rule 15, and Rule 9(ñ), against Ortiz. Ever since **December 23, 2022**, it then chose to affect Canon 9, along with Rule 14 and Rule 15, using **2023**'s ex post facto amendments.

b. As of **January 20, 2023**, it is clear that it prematurely accepted, the above referenced referral. By that time, the paraphrased paragraph was already published to the entire planet, in spite of being "*informally served*" by email, with no oath.

c. At that time, the Court of Appeals in Puerto Rico, was in the middle of solving Ortiz's Motion for Reconsideration, filed on **December 23, 2022** (under the consolidated case Ortiz v. Ladi Buono, et al, KLAN2022-0891). It purposely failed to honor Ortiz's 15 days-deadline, to file her then pending Motion for Reconsideration.

d. As a consequence, and as of **February 20, 2023**, it never had standing, nor had it ever acquired legal authority, to fix its own

jurisdictional deficiencies. The **March 1st, 2024**'s final ruling is thus, null and void, due to lack of jurisdiction.

2. CANON 9

"*...Canon 9. Conduct of the Lawyer Toward the Courts...characterized by the utmost respect. . .obligation to discourage and avoid unjustified attacks or unlawful attempts against judges or against the proper order ... the lawyer should intervene in order to try to reestablish order and the proper functioning of the judicial proceedings. . . includes also the obligation to take "**measures at law**" against judicial officers who abuse* ...," Attorneys' Code of Professional Ethic of Puerto Rico, Title 4 Appendix IX (**1970**).

a. Canon 9 fails to define:

(1) "*upmost respect*";

(2) "*measures of law*";

(3) who has standing to file sworn, and now unsworn, ethics' referrals, regarding private speech, etc.

b. More importantly, it always failed to identify, any compelling interest, per each one of its implicit prohibitions, etc. Canon 9, thus, is null and void.

3. RULE 9(Ñ)

a. On **July 14, 2023**, current Rule 9 (ñ), sometimes codified under letter "*nn*," of the Rules of the Puerto Rico Supreme

Court, 4 L.P.R.A. Ap. XXI-B (**2020**), changed. The words "*for adjudication on the merits*" were deleted. It now provides:

"*(ñ) When the lawyers or the parties fail to comply with any provision of these Rules, the Clerk will inform the court, for the appropriate determination...*," Rule 9 (ñ), Rules of the P.R. Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2023**).

b. The determination of adding vague words such as "*any provision*," and "*appropriate determination*", thus, makes this provision null and void. Such tendencies provoke due process violations, when suppressing crucial evidence or when sending purposely incomplete legal folders to the plenary, "*for adjudication on the merits*".

c. Its nullity, did not deter the Supreme Court of P.R. from interpreting that Petitioner Ortiz no longer had the constitutional right to respond to the commissioner's essentially false report (filed on **December 8th, 2023**) and we quote:

"*...NOTIFICATION...the referenced case was submitted on its merits for adjudication...on **December 8, 2023** (See Rule 9(ñ))...Javier O. Sepúlveda* . . . " (we are referring to an emailed letter signed by lawyer **Javier O. Sepúlveda** and Ms. Milka Ortega-Cortijo).

d. On **December 21st, 2023** Petitioner chose to obey Rule 14(L), in spite of Rule 9(ñ)'s new ex post facto amendment[14] (by filing her rebuttal, with a list of errors, as evidenced by her own recording of https://drive.google.com/file/d/1yYnk10EbtyDjsGpiSVJSu9vqAAnjlatb/view?usp=drive_link or Rule 15 hearing's transcript (Appendix F)).

e. These **July 14, 2023**'s amendments, nor any part of the Attorneys' Canons of Professional Ethic, which was drafted to regulate ***PROFESSIONAL CONDUCT*** only, have never clearly defined, ahead of time, anything.

f. The Rules of the Puerto Rico Supreme Court, through these last minutes changes, such as the ones pertaining to Rule 9(ñ), repeat the same tendencies: they indirectly and substantially changed the underdeveloped code's interpretation. Since then, the following underlined portions were deemed as no longer applicable, to the case at hand:

". . . Rule 14. Complaints and disciplinary procedures against lawyers, notaries, and notaries - (a) This rule establishes the disciplinary procedure applicable to male lawyers, female lawyers,

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[14] "*...(l) Each party will have a simultaneous term of twenty (20) days, counted from the notification of the report, to offer your comments or objections, and your recommendations regarding the action to be taken by the Court...*", Rule 14(L), Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**).

and notaries. (b) Any written complaint under oath that the court or any of its judges receive regarding the behavior of a lawyer, a notary... will be duly noted by the Secretary in the corresponding special record that will lead to those effects. No entry will be recorded or made regarding a complaint without swearing or lacking sufficient specification of the facts on which it is based[15]*...(l) Each party will have a simultaneous term of twenty (20) days, counted from the notification of the report, to offer...comments or objections, and ... recommendations regarding the action to be taken by the Court...Rule 15. Mental Incapacity of Attorneys. (a) Mental incapacity, defined as a mental or emotional condition of such nature that renders an attorney unfit to represent his or her clients competently and adequately... Commissioner—if none has already been appointed— to receive evidence on the attorney's mental incapacity, as such term is defined in paragraph (a) of this rule...The appointments must be made within a period of ten (10) days after the date of service of the Court ruling ordering this proceeding... In that case, objections to said reports may be made within ten (10) days following the date on which they are submitted to the Commissioner... (g) After examining the Commissioner's report in cases under paragraphs (c), (d), and (f) of this rule, the Court will decide in accordance with the law. If the Court finds that respondent is mentally incapacitated, as defined in paragraph (a) of this rule, it will indefinitely suspend the attorney from the practice of law...*". Rule 14 and Rule 15, Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**) or 183 D.P.R. 386 (**2011**).[16]

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[15]As of **October 2023**, the Supreme Court of Puerto Rico, then amended Rule 14, which now reads, in its pertinent part, as: "*...Rule 14. Complaints and Disciplinary Proceedings Against Attorneys and Notaries (a) This rule establishes the disciplinary proceedings applicable to attorneys and notaries. (b) Any written and verified complaint received by the Court or by any of the Justices of the Court regarding the behavior of an attorney or a notary will be duly entered by the Clerk in the corresponding special record kept to such ends. Unverified complaints or complaints lacking a sufficient specification of the facts on which they are grounded may not be recorded or entered...*", Rules of the Puerto Rico Supreme Court, 4 L.P.R.A. Ap. XXI-B (**2020**). See that the words "*under oath*" were deleted through a ruling codified as 184 D.P.R. 677(**October 2023**).

[16]Again, half way through this specific disciplinary process, this provision started to be interpreted using other unannounced rulings such as: In re:Aprobación de enmiendas al Reglamento del Tribunal Supremo, 2023 T.S.P.R. 74. It previously read: "*...(n) When the attorneys or the parties fail to comply with any of the provisions of these Rules, the Clerk will inform this fact to the Court for the appropriate action. (ñ)The Clerk must notify the parties of the date the cases are submitted to the Supreme Court for adjudication on the merits...*" (https:/dts.poder judicial.pr/ts/2023/ 2023tspr74.pdf).

g. In this case, ruling as we go along, the way Rule 9 (ñ) perpetrates, turned Rule 14, Rule 15, and Canon 9, into a questionable misconstruction that is extending a decades-long repertoire of "*waterboarding*". It certainly has the appearance of kneecapping, no less than two (2) domestic violence female survivors, in its sexual abuse modality. The Petitioner calls all of the above: cruel punishment and reprisal. Such tendencies did not merely start on or around **December 23, 2022**. This is a decades' long pattern that has felt like blackmail: by preventively gagging the subscriber, while using one of Ortiz's kids, as well as the Petitioner's profession, as pawns. This repetitive conduct is now being multiplied, with intentional and daily infliction of irreparable harm. Needless to say, with each "*mouse click*," it spreads and multiplied the exact libel, that has been abused, as a pretext, to injure one of Petitioner Ortiz's kids, since the child was one year old. All of it, is in direct conflict with this Court's reiterated application of the First Amendment right of freedom of expression.

VII. CONSTITUTIONAL PROVISIONS

A. INTRODUCTION

"The Eighth Amendment's proscriptions of 'cruel and unusual punishment' and '[e]xcessive bail,' the protection against excessive fines guards against abuses of government's punitive or criminal-law-enforcement authority. This safeguard, we hold, is 'fundamental to our scheme of ordered liberty,' with "dee[p] root[s] in [our] history and tradition.' McDonald v. Chicago, 561 U.S. 742, 767 (2010). The Excessive Fines Clause is therefore incorporated by the Due Process Clause of the Fourteenth Amendment." Tyson Timbs v. Indiana, 586 U.S. ___ (**2019**).

1. **UNCONSTITUTIONAL CONDITIONS DOCTRINE**

   a. The unconstitutional conditions doctrine, "*vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up.*" Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 604 (**2013**).

   b. The doctrine prevents the government from using conditions "*to produce a result which it could not command directly.*" Charles Perry v. Robert Sindermann, 408 U.S. 593, 597 (**1972**).

"[T]he doctrine of unconstitutional conditions limits the government's ability to make someone surrender constitutional rights even to obtain an advantage that could otherwise be withheld. Robin Clifton v. Fed. Election Comm'n, 114 F.3d 1309, 1315 (1st Cir. **1997**)... *Much less the vested right to practice a profession."* Cf. Philip Morris, Inc. v. Reilly, 312 F.3d 24, 47 (1st Cir. **2002**) (*"Massachusetts cannot condition the right to sell tobacco on the forfeiture of any constitutional protections the appellees have to their trade secrets."*).

"It is undoubtedly the right of every citizen of the United States to follow any lawful calling, business, or profession he may choose, subject only to such restrictions as are imposed upon all persons of like age, sex, and condition. This right may in many respects be considered as a distinguishing feature of our republican institutions." Dent v. State of W.Va., 129 U.S. 114, 121 (**1889**).

"[R]egardless of whether the government ultimately succeeds in pressuring someone into forfeiting a constitutional right, the unconstitutional conditions doctrine forbids burdening the Constitution's enumerated rights by coercively withholding benefits from those who exercise them." Koontz, supra, 570 U.S. at 606. 86.

2. LACK OF *"EXPLICIT STANDARDS"* (*"NO LAW AT ALL"*)

a. In Richard Grayned v. City of Rockford, 408 U.S. 104, 108-09 (**1972**), the Supreme Court explained that,

"if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an 'ad hoc' and subjective basis, with the attendant dangers of arbitrary and discriminatory application." More recently, the Court admonished that, *"[i]n our constitutional order, a vague law is no law at all."* U.S. v. Davis, 139 S.Ct. 2019, 2323 (**2019**).

3. SPEECH

a. *"...A law is 'presum[ed] unconstitutional,' Reed announced, if it regulates speech "based on the message a speaker conveys."* First Amendment: Speech - Leading Case, 136 Harv. L. Rev. 320 (Nov. **2022**).

"...*A regulation of speech is facially content based under the First Amendment if it 'target[s] speech based on its communicative content'—that is, if it 'applies to particular speech because of the topic discussed or the idea or message expressed.'* Reed, *576 U. S., at 163... interpreted* Reed *to mean that if '[a] reader must ask: who is the speaker and what is the speaker saying' to apply a regulation, then the regulation is automatically content based. 972 F. 3d, at 706.*", City of Austin, Texas v. Reagan National Advertising of Austin, Llc, et al., 142 S. Ct. 1464 (**2022**).

b. When the State fails to articulate a compelling interest for a provision that imposes "*speech-based restrictions*," such provision becomes facially invalid. See Rosenberger v. Rector and Visitors of University of Virginia, 515 U.S. 819 (**1995**).

"...*It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.* Police Dept. of Chicago v. Mosley, *408 U. S. 92, 96(**1972**). Other principles follow from this precept. In the realm of private speech or expression, government regulation may not favor one speaker over another.* Members of City Council of Los Angeles v. Taxpayers for Vincent, *466 U. S. 789, 804 (**1984**). Discrimination against speech because of its message is presumed to be unconstitutional.*" See Turner Broadcasting System, Inc. v. FCC, 512 U. S. 622, 641–643 (**1994**).

"...*When the government targets not the subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. See* R. A. V. v. St. Paul, *505 U. S. 377, 391 (**1992**). View point discrimination is thus an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.*" See Perry Ed. Assn. v. Perry Local Educators' Assn.,460 U. S. 37, 46 (**1983**).

"...*Any enforcement of a statute thus placed at issue is totally forbidden until and unless a limiting construction or partial invalidation so narrows it... as to remove the seeming threat or deterrence to constitutionally protected expression. Application of the overbreadth doctrine in this manner is, manifestly, strong medicine.*" Broadrick v.

Oklahoma, 413 U.S. 601 (1973). The guidelines imposed by the vagueness principles, prohibit government's interference with content and view point, and to this end, it is clear: "...The First Amendment protects artists' right to express themselves as indecently and disrespectfully as they like...," National v. Finley, 524 U.S. 569 (1998). "Sexual expression which is indecent but not obscene is protected by the First Amendment," Sable Communications of Cal., Inc. v. FCC, 492 U.S. 115, 126 (1989), "...and except when protecting children from exposure to indecent material, see FCC v. Pacifica Foundation, 438 U. S. 726 (1978), the First Amendment has never been read to allow the government to rove around imposing general standards of decency", see, e. g., Reno v. American Civil Liberties Union, 521 U. S. 844 (1997) (striking down on its face a statute that regulated "indecency" on the Internet).

Because "the normal definition of 'indecent' ... refers to nonconformance with accepted standards of morality," FCC v. Pacifica Foundation, supra, at 740, restrictions turning on decency, especially those couched in terms of "general standards of decency," are quintessentially viewpoint based: they require discrimination on the basis of conformity with mainstream...", National v. Finley, 524 U.S. 569 (**1998**).

c. Courts analyze government invasions of fundamental liberty interests under strict scrutiny. Thus, the deprivation of a fundamental liberty interest, as the ones at issue herein, will comport with due process only if it is narrowly tailored to serve a compelling government interest. David Lucas v. S.C. Coastal Council, 505 U.S. 1003, 1015 (**1992**).

d. There cannot be any compelling government interest in forcing attorneys to waive any of these fundamental rights, without restrictions. Under the U.S. Constitution, such pretentious dictatorship is not authorized.

e. Such content-based restrictions, imposed solely against this particular suspect class member, as a response to:

(1) her private speech,

(2) while Ortiz attempts to express herself (on behalf of one of the Petitioner's own kids, to the best of her ability),

(3) is a *particular suspect activity*.

f. Using such implicit impositions, so that at some distant future:

(1) the Petitioner stop using private speech to report and correct what one of Ortiz's kids, is enduring alone;

(2) or so that the Petitioner involuntarily waives the totality of her privacy rights;

(3) or so that the Petitioner could then, and only then, is able to keep her job;[17]

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[17]Such tendencies are even worse in closed-door and unsupervised Puerto Rico's Family Courts. Such scheme, as a minimum, surely looks extremely similar to **2012**'s pattern of silencing all mothers, including Petitioner Ortiz, when:

1. **without any "*specific standards*,"**

2. **a woman from Puerto Rico, attempts to acquire some sort of inhumane, unintelligible, sporadic, cruel and demeaning contact with her minor child, in this case, with one of Petitioner Ortiz's kids;**

3. **without any constitutionally and clinically acceptable, valid, permanent, standardized nor structured, visitation plan (free from medical malpractice subterfuges);**

(4) is not merely unconstitutional.

g. By indirectly restricting the Petitioner's First Amendment right to private speech, as a "*whistleblower*" (for reporting unattended sexual grooming) or while she is raising awareness, grievances, or asking for reasonable and timely redress, is extremely dangerous.

h. In this case, underdeveloped Canon 9 and Rule 9(ñ), along with Rule 14 and Rule 15's own vagueness (and "*out of the norm*" application), deprived Petitioner Ortiz of her fundamental right of expression, her fundamental right to privacy, and her fundamental right to practice her chosen profession.

i. Never ever specifying any hint of "*explicit standards,*" ahead of time, regarding any of these implicit conditions to the content of the Petitioner's private speech, was not enough. The Puerto Rico Supreme Court went much further.

j. It still insisted on publicly venting half truths that cannot longer be seen as harmless good faith errors. It knew that merely

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4. **which provokes constantly changing situations, with no signs of permanence.**

playing around with demeaning words such as "*incoherence*" or baseless "*Rule 15*", was by itself, damaging enough to impose public humiliation. **January 20, 2023**'s discrediting email proved the P.R. Supreme Justices suddenly stop applying the same old unintelligible standardized privacy guidelines, on an *ad hoc* basis. Who in this world would then rely on their own untrustworthy and unreliable safety measures, when disclosing highly sensitive information?

4. **FUNDAMENTAL RIGHT TO PRIVACY**

a. On **November 6th, 2023**, Petitioner Ortiz raised privacy concerns, in writing, when quoting crimes' related cases, such as In Re Carlos Geigel Bunker, 2022 T.S.P.R. 87. Although that other case pertained to alleged crimes, it already announced misconstructions, when handling vastly impertinent medical charts. Imposing that same threat, to a non-criminal administrative level ethics' disciplinary process, as an unannounced prerequisite to practice Petitioner's chosen profession, is not supported by this Honorable Supreme Court's precedents.

b. On this regard, Richard Grayned v. City of Rockford, 408 U.S. 104, 108-09 (**1972**) is clear: "...*A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an 'ad hoc' and subjective basis, with the attendant dangers of arbitrary and discriminatory application...[i]n our constitutional order, a vague law is no law at all*," U.S. v. Davis, 139 S.Ct. 2019, 2323 (**2019**).

5. **REGULATORY TAKING**

a. The Code of Professional Ethic has now shown its true colors. Its true purpose reveals a dishonest scheme for indirect regulatory takings, not allowed by the Constitution of the United States of America.

b. "...*Private property shall not be taken ... without just compensation.*" U.S. Const., Amend. V. 75. The Takings Clause is directly applicable to the federal government and is also applicable to the States through the Fourteenth Amendment. Pennsylvania Coal Co. v. Mahon, 260 U.S. 393 (**1922**). "*The Fifth Amendment's guarantee that private property shall not be taken ... without just compensation, was designed to*

bar Government from forcing some people alone, to bear public burdens ..." Antonio Armstrong v. United States, 364 U.S. 40, 49 (**1960**).

c. The Petitioner's right to earn a living through the practice of the legal profession constitutes her private property that is worthy of the protection afforded by the Takings Clause. In this case, the *ad hoc* application of Canon 9, Rule 14, Rule 15 and Rule 9(ñ), exemplifies a categorical regulatory taking, subject to the just compensation requirement of the Constitution. David Lucas v. S.C. Coastal Council, 505 U.S. 1003, 1015 (**1992**).

d. But once again, all of the above has not been enough. The Supreme Court of P.R. knows that no less than fifty percent (50%) of its **March 1st, 2024**'s repetitively empty ruling, was plagued with errors. Some of its libel, purposely suppressed the true content of no less than three(3) reports already signed, and filed at the Supreme Court's Clerk's window on **June 1st, 2023**, **June 28, 2023** and **July 20, 2023**.[18]

e. It also purposely suppressed that as per the P.R. Supreme Court's own order, the Petitioner: (1)was never ever purposely

[18]Federal defendants López Menéndez and Casanova Pelosi already filed their written, and favorable, expert reports, describing Petitioner Ortiz too. Our civil rights and federal malpractice lawsuits, arise when the State then tries and fails to hide the truth, already recorded within their original testimony and findings, while each one of the "*double-dipped*" contractors, persists in cheapening their own "*Hippocratic Oath*," going along with it. They are the ones that should be disbarred each time they abuse their licenses, as if carrying these, had an implicit authorization to commit perjury, camouflaged as inadmissible, baseless and predetermined "*opinions*."

absent to any of the clearly imposed "*Fitness to Work*" interviews; (2)Ortiz was never purposely absent to the already allotted totality of seven (7) preset "*Fitness to Work*" interviews; (3)Ortiz in fact surrendered to each and every single one of these involuntary searches (over-evaluations). Why would the highest court in P.R. purposely fail to specify, those alleged dates of fabricated absences, then? In contrast, the Petitioner can specify the exact day of each and every one of those involuntary searches: **May 10, 2023**, **May 11, 2024**, **May 17, 2024**, **May 29, 2023**, **June 13th, 2023**, **June 14th, 2023**, **September 12, 2023**, etc.. Why would the highest court of the land of Puerto Rico, purposely spread false gossips, on top of concealing the entire content of these three reports?

f. The answer is simple: **the Petitioner does not suffer any disqualifying illness**. All three(3) written reports signed by the above referenced experts **were favorable**. Concealing true facts, is not merely deceiving. Purposely spreading libel, inspite of these true findings, by the mere spreading of words such as "*Rule 15*", to the public at large, before any serious "*discovery*", goes against this Supreme Court of the United States' precedents.

VIII. SHORT CONCLUSION AND RELIEF

A. Under the Supremacy Claus' preemption doctrine, no State can force any law abiding citizen, into waiving the federal right to protect impertinent portions, of an un-redacted V.A. medical chart. Disclosing progress notes, carrying third-party information is dangerous, and can hurt loved ones. Misrepresentations can even deprive anyone, of almost any job, for life. Such deprivation is a textbook example of a categorical regulatory taking, by proscribing the attorney of all economically beneficial or productive use of her property. Dimare Fresh, Inc. v. United States, 808 F.3d 1301, 1307 (Fed. Cir. **2015**).

B. Abusing over-inclusive *wastebasket clauses,* to regulate PRIVATE SPEECH, or to legislate, is not authorized, pursuant to Article VI, Section 2, of the Constitution of the Commonwealth of P.R.. That faculty resides exclusively in the Legislative Assembly. Imposing these unconstitutional conditions, against fundamental rights, are null and void.

C. All along, if there is only one cataclysmic catharsis, ever conquered throughout this brief, here it is: it truly uncovered, for a second century in a row, the specific intent "*to deflect attention from potential whistle-blower's charges...*" by attacking Ortiz's credibility, as a "*potential whistleblower,*" in order to make the situation about the Petitioner "*...who*

is doing the reporting, rather than the original wrongdoing that is being reported. . . .". Who, in his (or in her) right mind, can ever "*mansplain*" that once an injured mother passes a bar exam, she is no longer allowed to release pent-up emotions?

IX. **CERTIFICATE OF COMPLIANCE** - Petitioner Ortiz, herself, hereby certifies, that the foregoing Brief of Petitioner complies with the type-volume limitations as set forth within the requirements of the Rules of the Supreme Court. This brief contains 8,785 words.

X. **CERTIFICATE OF SERVICE** - I hereby certify that on this same date, and as authorized by Rule 29.3 and Rule 33.2, one printed copy of this brief was mailed to the Respondents, using certified mail service.

I declare that the foregoing is true and correct, under penalty of perjury. Executed on May 8, 2024.

Respectfully submitted,

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